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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 JACKSON DIVISION

4 OLIVIA Y., by and through her next friend,
5 James D. Johnson; JAMISON J, by and through
6 His next friend, Clara Lewis; DESIREE,
7 RENEE, TYSON AND MONIQUE P., by and through
8 Their next friend, Sylvia Forster; JOHN A.,
9 By and through his next friend, James D. Johnson;
10 CODY B, by and through his next friend, Sharon Scott;
11 MARY, TOM, MATTHEW and DANA W, by and through their
12 next friend, Zelatra W; and SAM H, by and
13 through his next friend, Yvette Bullock;
14 on their own behalf and on behalf of all others
15 similarly situated

16

Plaintiffs,

17

CIVIL ACTION NO.
3:04cv251LN

18

v.

19

HALEY BARBOUR, as Governor of the State
Of Mississippi; DONALD TAYLOR, as Executive
Director of the Department of Human Services;
And BILLY MANGOLD, as Director of the
Division of Family and Children's Services
Defendants.

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COPY

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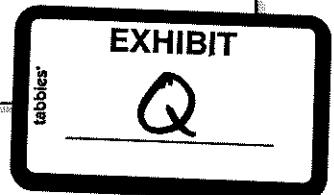
DEPOSITION OF MARTHA McDANIEL

23

Taken at Bradley Arant Rose & White,
One Jackson Place, Suite 450
Jackson, Mississippi,
on Wednesday, July 20, 2005,
beginning at approximately 8:30 a.m.

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1 licensed. But in the meantime, that would not
2 prohibit us from placing the child with the
3 relative.

4 BY MS. CREAN:

5 Q When children are placed with relatives
6 who are not DHS-licensed foster homes, are those
7 children in DHS legal custody?

8 A They can be in our custody or the
9 relatives can be given custody. If it is a foster
10 child, of course, the foster child would be in our
11 custody.

12 Q What is the DHS policy regarding
13 background checks prior to placing a child -- placing
14 a foster child with a relative?

15 A We recently had additional policy that
16 background checks were to be completed, as well as
17 home evaluations be completed, prior to a child being
18 placed in a relative's home. Sometimes the court opts
19 to go ahead and place a child with a relative pending
20 approval of the foster -- excuse me, of the relative's
21 home. And if the court gives approval or gives an
22 order that a child be placed in a relative's home,
23 they're placed with the understanding that if, for
24 whatever reason, the home is not approved, the child
25 would be removed.